

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

SHARDAE ROSS,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACT. NO. 3:17cv394-CSC
)	(WO)
JH INDUSTRY, INC. d/b/a WOOSHIN)	
USA, ROBERT CLOPP, and WALTER)	
GRABEN,)	
)	
Defendants.)	

MEMORANDUM OPINION and ORDER

In her complaint, plaintiff Shardae Ross (“Ross”) alleges that she was discriminated against and retaliated against based on her sex in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et seq. (“Title VII”), and the Equal Pay Act, 29 U.S.C. § 206(d). She also alleges that she was denied compensation in violation of the Fair Labor Standards Act, 29 U.S.C. § 201, et seq. The court has jurisdiction of the plaintiff’s claims pursuant to its federal question jurisdiction, 28 U.S.C. § 1331, and the jurisdictional grant in 28 U.S.C. § 2000e-5. Pursuant to 28 U.S.C. § 636(c)(1) and M.D. Ala. LR 73.1, the parties have consented to a United States Magistrate Judge conducting all proceedings in this case and ordering the entry of final judgment.

On July 17, 2017, defendant JH Industry, Inc. filed a motion to dismiss the plaintiff’s Fair Labor Standards Act claim (doc. # 9). Defendants Robert Clopp and Walter Graben also filed a motion to dismiss (doc. # 11) asserting that the plaintiff’s claims against them fail as a

matter of law.

On August 1, 2017, the plaintiff filed a response to the pending motions to dismiss and conceded that her Fair Labor Standards Act claims and defendants Clopp and Graben were due to be dismissed. (Doc. # 16).

Accordingly, it is

ORDERED that defendant JH Industry, Inc.'s motion to dismiss the plaintiff's Fair Labor Standards Act claim (doc. # 9) and defendants Robert Clopp and Walter Graben's motion to dismiss (doc. # 11) be and are hereby GRANTED and the plaintiff's Fair Labor Standard Act claim be and is hereby DISMISSED. It is further

ORDERED that defendants Clopp and Graben be and are hereby DISMISSED as defendants in this action.

Done this 2nd day of August, 2017.

/s/Charles S. Coody
CHARLES S. COODY
UNITED STATES MAGISTRATE JUDGE